

WP No.6397/2015

30-04-2016

Parties through their counsel.

The petitioner before this court is aggrieved by the order dated 08-07-2015 by which the learned Civil Judge Class-I, Sendhwa has rejected the petitioner's request to take the written statement on record as the same was filed after the expiry of period of ninety days.

Learned counsel has vehemently argued that the petitioner will not be able to take proper defence and it is certainly true that delay has taken place in filing the written statement. However, the delay deserves to be condoned. On the other hand, learned counsel for the respondent has opposed the prayer for allowing the request of the petitioner.

This court is of the considered opinion that the written statement filed by the petitioner deserves to be taken on record. Resultantly, the impugned order dated 08-07-2015 is hereby quashed, subject to the payment of Rs.1000/- to the plaintiff, within a period of thirty days, from the date of receipt of certified copy of this order.

Parties are directed to appear before the trial court on 09-05-2016.

Certified copy as per rules.

(S. C. SHARMA)
J U D G E

RP